

The plaintiff's complaint fails to state a claim on which relief may be granted. The plaintiff seeks relief in this case which challenges the validity of his state court sentence, but the Supreme Court has held that when a prisoner challenges "the very fact or duration of his physical imprisonment, . . . his sole federal remedy is a writ of habeas corpus." [*Preiser v. Rogriguez*, 411 U.S. 475, 500 \(1973\)](#). See also *Heck v. Humphrey*, 512 U.S.477, 487 (holding that a prisoner may not bring a civil rights action for damages that would "necessarily imply" the invalidity of his conviction or sentence unless the conviction or sentence "has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus"). Accordingly, the plaintiff's action challenging the plaintiff's sentence is not cognizable.

Furthermore, it appears from the Cuyahoga Court of Common Pleas public docket in the plaintiff's state criminal case that the plaintiff was sentenced to a one-year sentence in the Cuyahoga County Jail with credit for time served on November 19, 2014, after the plaintiff violated – and the trial court terminated – the plaintiff's community control sanctions. Accordingly, the plaintiff's action is moot to the extent the plaintiff seeks placement and "time served" in the Cuyahoga County Jail. See [*Ailor v. City of Maynardville, Tennessee*, 368 F.3d 587, 596 \(6th Cir.2004\)](#)("[I]f events that occur subsequent to the filing of a lawsuit . . . deprive the court of the ability to give meaningful relief, then the case is moot and must be dismissed.")

Conclusion

For all of the reasons stated above, this action is hereby dismissed under [§ 1915A](#). Further, the Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision

could not be taken in good faith.

IT IS SO ORDERED.

Dated: January 7, 2015

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES DISTRICT JUDGE